IN THE COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE JURISDICTION

WRIT PETITION (L) NO. 154 OF 2007

Namdeo P. Rewadankar . ...Petitioners
vs.
The Divisional Joint Registrar,
C.S.M.D. and Ors. ...Respondents

A.S.Ghadge i/by.A.S.Desai for the petitioners.
K.R. Belosay, G.P. for Respondent/State.

CORAM: S.C. DHARMADHIKARI, J.

29th January, 2007.

P.C :-

1. Mentioned. Not on Board.

2. By consent of the parties, placed for admission and taken up for hearing. It is not in dispute that the petitioners are aggrieved by an action of the Respondent under Section 78 of the Maharashtra Co-operative Societies Act, 1960.

3. Respondent no.2, Deputy Registrar in this petition passed an order on 28.10.2006 (Exhibit C) under which he has superseded the Managing Committee of the petitioner no.4, Co-operative Society and appointed an Administrator thereon.

4. I am informed that the Administrator has not taken charge.

5. Aggrieved by the order of the Respondent no.2 the petitioners preferred an Appeal before the Division Joint Registrar, Division-Mumbai. In the petition it is pointed out that the hearing before the Appellate Authority concluded and he placed the matter for orders on 18.12.2006. Before he could pass an order the incumbent was transferred.

6. Mr.Belosay, upon taking instructions does not dispute this position in as much as pendency of appeal before the Respondent no.1. The statement is already recorded by this court that the Administrator will not go ahead and take charge until further orders of this court.

7. In my view instead of deciding any wider issues and controversy, interest of justice would be subserved if, it is directed that the Appellate Authority shall hear the Appeal afresh and pass final orders thereon within a period of six weeks from today. The petitioner to appear before the Appellate Authority on 8.2.2007. During the pendency of the Appeal and for a period of two weeks from the date of the communication of the final order therein, if adverse to the petitioner, the Administrator not to take charge of the affairs of the society.

8. All contentions on merits are expressly kept open and it is clarified that this court has not rendered any opinion thereon. Petition is disposed off.

9. Certified copy of this order shall not be issued until the petition is numbered.

sd/-

(S.C.DHARMADHIKARI,J)